

Combatting Sexual Assaults in the Military

TOP 5 MYTHS & FACTS

1. Myth: It's Senator Gillibrand's proposal or nothing.

FACT: The Armed Services Committee gave bipartisan approval to a [host of historic reforms](#)—backed by Senator Gillibrand—and acknowledged by all sides as substantial and wide-reaching:

- Commanders stripped of authority to dismiss sexual assault convictions
 - Retaliation against victims who report sexual assault made a crime
 - Mandated dishonorable discharge/dismissal for sexual assault
 - Elimination of statute of limitations in sexual assault cases
 - Required input from victim in clemency hearings
 - Elimination of military character as a consideration for case disposition
 - Guidance for moving of the accused from unit to protect victim
 - Making clear commanders failing to address sexual assaults should be relieved of command
-

2. Myth: Victims don't report crimes because they must report to their commanders.

FACT: Victims of sexual assault in the military currently have many options to report a sexual assault in an actionable (unrestricted) report, including:

- Sexual Assault Response Coordinator (SARC)
 - Victim Advocate (VA)
 - Minister or member of the clergy
 - Civilian or military medical personnel
 - Military law enforcement outside of the chain of command
-

3. Myth: All sexual assault survivors back Senator Gillibrand's bill—this fight is 'victims vs. the military.'

FACT: Sexual assault survivors are not a monolith. Washington-based advocacy groups with limited membership, participating in personal attacks, do not represent the views of all survivors. Senator McCaskill spent years prosecuting sex crimes, sitting with victims of sexual assault, hearing their stories, and winning justice for them—and has consistently confronted military leaders on this issue, including recently blocking the nomination of a Lieutenant General over the handling of a sexual assault case.

4. Myth: America's allies removed chain of command and it worked.

FACT: Each of America's allies that removed chain of command from these cases did so to better protect the rights of *defendants*—not the rights of *victims*. None of those militaries saw the increase in reporting of sex crimes that supporters of Senator Gillibrand's proposal promise.

5. Myth: Commanders aren't trusted because they decline courts martial that prosecutors want to pursue.

FACT: No data has been offered to show that commanders decline to refer cases for court martial. Data does show that in the past two years, commanders referred 96 cases for court martial that prosecutors declined to pursue—meaning 96 victims who had their day in court because of commanders.